

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-23816-CIV-ALTONAGA/Damian

RENZO BARBERI,

Plaintiffs,

v.

LA CASA DEL SABOR INC., *et al.*,

Defendants.

**ORDER SETTING BENCH TRIAL AND PRE-TRIAL SCHEDULE, REQUIRING
MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE**

THIS CAUSE is set for trial during the Court's two-week trial calendar beginning on **July 1, 2024**. Calendar call will be held at **9:00 a.m. on Tuesday, June 25, 2024**. No pre-trial conference will be held unless a party requests one and the Court determines that one is necessary.

The parties shall adhere to the following schedule:

December 7, 2023. The parties shall select a mediator in accordance with Local Rule 16.2; schedule a time, date, and place for mediation; and jointly **file a proposed order scheduling mediation** in the form specified on the Court's website, <http://www.flsd.uscourts.gov>. If the parties cannot agree on a mediator, they shall notify the Clerk in writing as soon as possible, and the Clerk shall designate a certified mediator on a blind rotation basis. Counsel for all parties shall familiarize themselves with and adhere to all provisions of Local Rule 16.2. Within **seven (7) days** of mediation, the parties are required to file a mediation report with the Court. In accordance with the procedures outlined in the CM/ECF Administrative Procedures, the proposed order must be emailed to altonaga@flsd.uscourts.gov in Word format.

December 28, 2023. All motions to amend pleadings or join parties are filed.

January 6, 2024. Parties must have completed mediation and filed a mediation report.

February 5, 2024. Parties exchange expert witness summaries or reports.

February 20, 2024. Parties exchange rebuttal expert witness summaries or reports.

March 4, 2024. All discovery, including expert discovery, is completed.¹

March 19, 2024. All pre-trial motions are filed.

April 16, 2024. Parties submit joint pre-trial stipulation and proposed findings of fact and conclusions of law. No motions *in limine* or *Daubert* motions are permitted, given this will be a bench trial.

Referral to Magistrate Judge. Pursuant to 28 U.S.C. § 636 and this District's Magistrate Judge Rules, all discovery matters are referred to Magistrate Judge Melissa Damian. Furthermore, in accordance with 28 U.S.C. § 636(c)(1), the parties may consent to trial and final disposition by Magistrate Judge Damian. **The deadline for submitting a consent is March 19, 2024.**

Discovery. The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions. The parties shall not file with the Court notices or motions memorializing any such stipulation unless the stipulation interferes with the deadlines set forth above. Stipulations that would so interfere may be made only with the Court's approval. *See* FED. R. CIV. P. 29. In addition to the documents enumerated in Local Rule 26.1(b), the parties shall not file notices of deposition with the Court. Strict compliance with the Local Rules is expected, particularly with regard to motion practice. *See* S.D. FLA. L.R. 7.1.


Discovery Disputes. The parties shall comply with the discovery procedures provided in the document titled, "Discovery Procedures for Magistrate Judge Melissa Damian," available on the Court's website. **No written discovery motions, including motions to compel, for protective order, or related motions for sanctions shall be filed.** Counsel must actually confer and engage in reasonable compromise in a genuine effort to resolve their discovery disputes before seeking the Court's intervention. The Court may impose sanctions, monetary or otherwise, if it determines discovery is being improperly sought or is being withheld in bad faith. If, after

¹ The parties by agreement, and/or Magistrate Judge Damian, may extend this deadline, so long as such extension does not impact any of the other deadlines contained in this Scheduling Order.

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conferring, the parties are unable to resolve their discovery dispute without Court intervention, the moving party must seek relief within fifteen (15) days of the occurrence of the grounds for relief by filing a discovery memorandum, seeking, for example, to compel or for protective order. After filing a discovery memorandum, the moving party may request a discovery hearing by sending an email to Damian@flsd.uscourts.gov with the subject line: “Request for Discovery Hearing on [Case Number].” Specific requirements for that email are outlined in the “Discovery Procedures for Magistrate Judge Melissa Damian” document available on the Court’s website.

DONE AND ORDERED in Miami, Florida, this 16th day of November, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record